

U.S. Department of Labor

Board of Contract Appeals
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Issue date: 08May2002

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Appeal of : Case No. 1992-BCA-00007
:
HOME BUILDERS INSTITUTE :
Appellant :
:
Contract No. 99-6-0278-35-037-01 :
..... :

ORDER DISMISSING APPEAL

By motion filed September 18, 1995, the Contracting Officer moved that the hearing scheduled to convene in this matter on October 11, 1995 be canceled and that this matter be continued until two appeals then pending before the Board in Operative Plasterers & Cement Masons International Association/ National Plastering Industries Joint Apprenticeship Trust Fund, 93-BCA-13 and 94-BCA-2, were resolved. The Contractor concurred, and the motion was granted on September 20, 1995.

On March 13, 2002, the parties were advised that the Board, on March 12, 2002, upon consideration of a stipulation of dismissal, issued an Order Dismissing the Appeals With Prejudice in Operative Plasterers & Cement Masons International Association/ National Plastering Industries Joint Apprenticeship Trust Fund, 93-BCA-13 and 94-BCA-2. The Board then requested the parties to file a report on the status of this matter in view of the dispositions in 93-BCA-13 and 94-BCA-2. In response to the Board's request, the Contracting Officer, on March 25, 2002, filed a Motion to Dismiss this appeal on the ground that the Department of Labor had decided not to pursue the disallowance of \$78,566 in costs identified in Finding No. XXXI of the Contracting Officer's Final Decision. By order issued April 3, 2002, the Contractor was afforded 20 days to respond to the Contracting Officer's motion and show cause why the Motion to Dismiss should not be granted.

On April 16, 2002, both parties responded to the show cause order by filing a Stipulation of Dismissal pursuant to which the Contractor withdrew its appeal in this matter and the parties jointly moved for a dismissal with prejudice. Accordingly, for good cause shown;

ORDER

IT IS ORDERED that the appeal in this matter, be and it hereby is, dismissed with prejudice.

Stuart A. Levin
Administrative Law Judge
Member, Board of Contract Appeals